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Attorney for La Mesa Auto Care, Inc.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KAREL SPIKES, Plaintiff v. LA MESA AUTO CARE, INC.; JACOBSZOON REVOCABLE FAMILY TRUST dated 4/17/98; CULVER FAMILY REVOCABLE TRUST; JAREL G. CULVER TRUST and DOES 1 through 10, Inclusive, Defendants	Case No. '08 CV 452 JAH CAB ANSWER OF DEFENDANT LA MESA AUTO CARE, INC.; JURY DEMAND

For its answer to the allegations of the complaint filed by plaintiff, defendant LA MESA AUTO CARE, INC., admits, denies and avers as follows:

1. Admits the allegations of ¶1 of the complaint.

2. Admits the allegations of ¶2 of the complaint.

3. Admits the allegations of ¶3 of the complaint, save for the allegations of the third sentence thereof, which it denies.

4. Admits the allegations of ¶4 of the complaint.

5. States that it is without knowledge or information sufficient to form a belief as to

the truth or falsity of the allegations of ¶5 of the complaint, and therefor neither admits nor denies the same.

6. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶6 of the complaint, and therefor neither admits nor denies the same.

7. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶7 of the complaint, and therefor neither admits nor denies the same.

8. Denies the allegations of ¶8 of the complaint.

9. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶9 of the complaint, and therefor neither admits nor denies the same.

10. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶10 of the complaint, and therefor neither admits nor denies the same.

11. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶11 of the complaint, and therefor neither admits nor denies the same.

12. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶12 of the complaint, and therefor neither admits nor denies the same.

13. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶13 of the complaint, and therefor neither admits nor denies the same.

14. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶14 of the complaint, and therefor neither admits nor denies the same.

15. Denies the allegations of ¶15 of the complaint.

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16. Denies the allegations of ¶16 of the complaint.

17. Denies the allegations of ¶17 of the complaint.

18. Denies the allegations of ¶18 of the complaint.

19. Denies the allegations of ¶19 of the complaint.

20. States that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of ¶20 of the complaint, and therefor neither admits nor denies the same.

21. Denies the allegations of ¶¶21 through 35 of the complaint.

AFFIRMATIVE DEFENSES

1. Plaintiff lacks standing to maintain this cause.

2. Plaintiff's claims for relief are barred by the applicable statutes of limitation.

3. Plaintiff's claims for relief are barred by the equitable doctrine of laches.

4. Plaintiff's injuries, if any, and his damages, if any, are caused by persons other than this answering defendant.

5. This Court should decline to exercise supplemental jurisdiction over the State law causes of action pleaded in the complaint.

WHEREFORE, having fully answered, this defendant requests that plaintiff take nothing from his complaint, that his complaint be dismissed, and that this defendant be awarded costs of suit and reasonable attorney's fees.

Dated: April 22, 2008

Michael W. Palmer
Attorney for La Mesa Auto Care, Inc.

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JURY DEMAND

Defendant LA MESA AUTO CARE, INC., demands trial by jury of this action.

Dated: April 22, 2008

Michael W. Palmer
Attorney for La Mesa Auto Care, Inc.

PROOF OF SERVICE

I hereby certify that I am over the age of 18 years, and not a party to this action, and that on April 22, 2008, I deposited a copy of the within Answer of La Mesa Auto Care, Inc., in the U. S. mails, first class postage pre-paid, addressed to Amy B. Vandeveld, Esq., 1850 Fifth Avenue, San Diego, CA 92101.

Michael W. Palmer